

REMARKS

Applicant seeks reconsideration of the application. No claims have been canceled, two claims have been amended and four claims have been added. Accordingly, Claims 1-13 and 18-27 are pending.

I. Claims 1-5 and 7-11 Rejected Under 35 U.S.C. § 102(b)

Claims 1-5 and 7-11 are rejected under 35 U.S.C. § 102(b) as anticipated by Jang et al. (U.S. Patent No. 5,840,624). Applicant respectfully traverses this rejection.

Applicant first notes that the claim amendments are supported by the original disclosure. Amended Claim 1 requires, among others, introducing a dielectric layer comprising a plurality of different material layers over an etch stop layer in which each respective layer of the different material layers is selectively etchable with respect to the etch stop layer. Similarly, Claim 8 has been amended to require, among others, introducing a dielectric layer comprising a plurality of alternating material layers over an etch stop layer in which each respective layer thereof is selectively etchable with respect to the etch stop layer.

A review of Jang shows that Jang neither teaches or suggests introducing a dielectric layer over an etch stop layer between an interconnection line and a contact point on the substrate in which each respective layer of the different material layers is selectively etchable with respect to the etch stop layer, as set forth in Claim 1. Additionally, there is nothing in Jang that teaches or suggests introducing a dielectric layer over an etch stop layer between an interconnection line and a contact point on the substrate in which each respective layer of the plurality of alternating material layers is selectively etchable with respect to the etch stop layer, as set forth in Claim 8. As such, Applicant submits that Claims 1 and 8 are not anticipated by Jang and requests that the rejection of Claims 1 and 8 be

withdrawn. Dependent Claims 2, 7 and 9-11 are submitted as not being anticipated by Jang at least for the reasons given in support of their base Claims 1 and 8.

III. Claims 6, 12-13 and 18-23 Rejected under 35 U.S.C. § 103(a)

Claims 6, 12-13 and 18-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jang in view of Andideh et al. (U.S. Patent No. 6,362,091). Applicant respectfully traverses this rejection.

Applicant first notes that, to establish a *prima facie* case of obviousness, the prior art references when combined must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination must be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

With respect to the rejection of newly submitted Claims 18-23, Applicant submits that the Examiner has not carried the burden of presenting a *prima facie* case of obviousness by failing to point out where the features of these claims are found within the cited references. In the Office Action dated October 2, 2002, the Examiner merely asserts that "rejection of claims 6 and 12-13 ... has been maintained for the reasons of record and further includes the newly submitted claims 18-23" without pointing out where the features claimed in newly submitted Claims 18-23 are found in Jang and/or Andideh. Applicant notes that it is not Applicant's responsibility to show that a claim is patentable until the Examiner first makes out a *prima facie* case of unpatentability.

In this regard, Applicant respectfully requests that the Examiner to point out where the features of Claims 18 and 21 (i.e., introducing a photoimageable material layer, wherein the dielectric layer comprising the

plurality of different material layers is introduced between the substrate and the photoimageable material layer, the features of 19 and 22 (i.e., introducing an etch stop layer between the substrate and the dielectric layer comprising the plurality of different material layers), and the features of Claims 20 and 23 (i.e., introducing a dielectric layer comprising the plurality of different material layers between an etch stop layer and a photoimageable material layer) are found in Jang and/or Andideh.

Applicant submits that neither Jang nor Andideh discloses or suggests introducing a photoimageable material layer, wherein the dielectric layer comprising the plurality of different material layers is introduced between the substrate and the photoimageable material layer, as claimed in Claims 18 and 21. As to Claims 19 and 22, Applicant submits that neither Jang nor Andideh discloses or suggests introducing an etch stop layer between the substrate and the dielectric layer comprising the plurality of different material layers. As to Claims 20 and 23, Applicant submits that neither Jang nor Andideh discloses or suggests introducing a dielectric layer comprising the plurality of different material layers between an etch stop layer and a photoimageable material layer. Accordingly, Applicant respectfully submits that Claims 18-23 are not obvious over Jang in view of Andideh and requests withdrawal of the rejection of Claims 18-23.

With respect to Claims 6 and 12-13, Applicant incorporates the prior argument with respect to their base Claims 1 and 8. At least for this reason, Applicant submits that Claims 6 and 12-13 are not obvious over Jang in view of Andideh and requests withdrawal of the rejection of Claims 6 and 12-13.

III. New Claims


Applicant respectfully submits that the New Claims 24-27 are supported by the original disclosure. With respect to New Claims 24-27, Applicants incorporate the prior arguments with respect to their base Claims 1 and 8. At least for this reason, Applicant is of the opinion that New Claims 24-27 are allowable over the cited references.

CONCLUSION

In view of the foregoing, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance is earnestly solicited at the earliest possible date. If there are any fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,
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Dated: November 5, 2002




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CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Box AF, FEE, Commissioner for Patents, Washington, D.C. 20231 on November 5, 2002.



Linda D'Elia

November 5, 2002

Attachment: Version With Markings To Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claims 1 and 8 have been amended as follows:

1. (Amended) A method comprising:
introducing an etch stop layer over a substrate;
introducing a dielectric layer over [a substrate] the etch stop layer
between an interconnection line and a contact point on the substrate, the
dielectric layer comprising a plurality of different material layers, wherein
each respective layer of the plurality of different material layers is selectively
etchable with respect to the etch stop layer; and
patterning an interconnection to the contact point.

8. (Amended) A method comprising:
introducing an etch stop layer over a substrate;
introducing a dielectric layer over [a substrate] the etch stop layer
between an interconnection line and a contact point on the substrate, the
dielectric layer comprising a plurality of alternating material layers, wherein
each respective layer of the plurality of alternating material layers is
selectively etchable with respect to the etch stop layer; and
patterning an interconnection to the substrate.

New claims 24-27 have been added.